



COUNCIL CHAMBERS

17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037

COUNCIL MEMBERS

Steve Tate, Mayor
Marilyn Librers, Mayor Pro Tempore
Larry Carr, Council Member
Marby Lee, Council Member
Greg Sellers, Council Member

REDEVELOPMENT AGENCY

Steve Tate, Chair
Marilyn Librers, Vice-Chair
Larry Carr, Agency Member
Marby Lee, Agency Member
Greg Sellers, Agency Member

WEDNESDAY, SEPTEMBER 22, 2010

AGENDA

JOINT REGULAR CITY COUNCIL AND REDEVELOPMENT AGENCY MEETING

7:00 P.M.

The City Council has adopted a policy that regular meetings shall not continue beyond 11:00 p.m. unless extended by a majority of the City Council and Redevelopment Agency Board.

CALL TO ORDER

(Mayor/Chair Tate)

ROLL CALL ATTENDANCE

(Minutes Clerk Wilson)

DECLARATION OF POSTING OF AGENDA

Per Government Code 54954.2

(Minutes Clerk Wilson)

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

PROCLAMATIONS / RECOGNITIONS / INTRODUCTIONS

CITY COUNCIL REPORTS

Council Member Librers

CITY MANAGER'S REPORT

CITY ATTORNEY'S REPORT

OTHER REPORTS

PUBLIC COMMENT

Members of the public are entitled to address the City Council and Redevelopment Agency Board concerning any item within the Morgan Hill City Council/Agency's subject matter jurisdiction. Public comments are limited to no more than three minutes. Except for certain specific exceptions, the City Council/Agency Board is prohibited from discussing or taking action on any item not appearing on the posted agenda. (See additional noticing at the end of this agenda)

City Council and Redevelopment Agency Action
ADOPTION OF AGENDA

City Council Action
CONSENT CALENDAR:

ITEMS 1-17

Items appearing on the Consent Calendar are considered routine and may be approved by one motion. Pursuant to City Council Policies and Procedures (CP 97-01), any member of the Council or public may request to have an item removed from the Consent Calendar for comment and action.

	Time Estimate	Page
	Consent Calendar: 1 - 10 Minutes	
1.	<u>AUGUST 2010 FINANCIAL & INVESTMENT REPORTS</u> <u>Recommended Action(s): Accept</u> and file report.	1-30
2.	<u>APPOINTMENT TO FILL AN UNEXPIRED TERM ON THE PLANNING COMMISSION</u> <u>Recommended Action(s): Ratify</u> the Mayor's appointment of Robert Benich to fill an unexpired term on the Planning Commission; Term ending June 1, 2013.	31-32
3.	<u>RESIGNATION OF PLANNING COMMISSIONER</u> <u>Recommended Action(s):</u> 1. <u>Accept</u> the resignation of Planning Commissioner John Liegl; and 2. <u>Direct</u> the City Clerk to commence recruitment efforts to fill an unexpired term on the Planning Commission (term ends June 1, 2013).	33-34
4.	<u>RESOLUTION AMENDING CITY'S CONFLICT OF INTEREST CODE REPORTING CATEGORIES</u> <u>Recommended Action(s): Adopt</u> Resolution amending the list of positions subject to the City's Conflict of Interest Code.	35-42

5. **CONTRACT WITH DAVID J. POWERS & ASSOCIATES FOR ENVIRONMENTAL CONSULTING SERVICES**43-54
Recommended Action(s): Authorize the City Manager to execute the attached contract amendment agreement.
6. **ACCEPTANCE OF 35 EAST THIRD STREET BUILDING DEMOLITION PROJECT**55-58
Recommended Action(s):
 1. **Accept** as complete the 35 East Third Street Abatement and Demolition Project in the final amount of \$26,365.00; and
 2. **Direct** the City Clerk to file the attached Notice of Completion with the County Recorder's Office.
7. **APPROPRIATION OF MATCHING FUNDS FOR LLAGAS CREEK RESTORATION PROJECT**59-64
Recommended Action(s): Appropriate \$25,198 from the unappropriated fund balance of Fund 306 (Open Space) for granting matching funds.
8. **RESOLUTION AUTHORIZING SOLAR HIGHWAY GRANT APPLICATION**65-70
Recommended Action(s): Approve Resolution authorizing the grant application for a Sustainable Communities Planning Grant.
9. **PUBLIC WORKS MAINTENANCE AGREEMENTS FOR GENERATOR SERVICES FOR FY 2010/11 THROUGH FY 2012/13**71-90
Recommended Action(s):
 1. **Authorize** maintenance agreements with Edward R. Bacon for Generator Maintenance Services in the amount of \$126,000 for a three year agreement; and
 2. **Authorize** the City Manager to execute the agreement on behalf of the City.
10. **AWARD OF JACKSON WELL PUMP STATION REHABILITATION PROJECT**91-100
Recommended Action(s):
 1. **Approve** project plans and specifications; and
 2. **Award** contract to Central Electric Company of Watsonville, California, for the construction of the Jackson Well Pump Station Rehabilitation Project in the amount of \$17,696; and
 3. **Authorize** expenditure of construction contingency funds not to exceed \$2,654.
11. **APPROVE JOINT USE AGREEMENT FOR WEST LITTLE LLAGAS CREEK TRAIL, BETWEEN EDES COURT AND SPRING AVENUE**101-114
Recommended Action(s): Authorize the City Manager to sign a Joint Use Agreement with the Santa Clara Valley Water District for the West Little Llagas Creek Trail, between Edes Court and Spring Avenue on behalf of the City.
12. **APPROVE AGREEMENT FOR TFCA FUNDING FOR THE MADRONE CHANNEL TRAIL PROJECT**115-128
Recommended Action(s):
 1. **Approve** the Santa Clara Valley Transportation Authority's agreement for Bay Area Air Quality Management District Transportation Fund for Clean Air (TFCA) grant program for up to \$53,275 for construction of the Madrone Channel Trail project; and
 2. **Authorize** the City Manager to sign the attached agreement on behalf of the City; and
 3. **Appropriate** \$50,000 from unappropriated Park Impact Funds (301) for the grant match requirement which will cover design and CIP administration costs so the design can be started this fiscal year with construction next fiscal year.

13. **RESOLUTION SUPPORTING AN APPLICATION FOR GRANT FUNDS FOR EL TORO TRAIL**129-134
Recommended Action(s): Adopt Resolution supporting the application for the State of California Department of Parks and Recreation’s “Habitat Conservation Fund Program” for the construction of El Toro Trail.
14. **AUTHORIZATION TO ENTER INTO A THIRD AMENDMENT TO AGREEMENT WITH LUHDORFF & SCALMANINI**135-170
Recommended Action(s): Authorize the City Manager to execute a third amendment to agreement with Luhdorff & Scalmanini Consulting Engineers to augment the contract amount by \$67,470, for a not-to-exceed amount of \$84,770, with a term ending June 30, 2011.
15. **ECONOMIC DEVELOPMENT ACTIVITIES REPORT**171-178
Recommended Action(s): Accept report.
16. **ADOPTION OF SPEED LIMITS IN ACCORDANCE WITH 2010 ENGINEERING AND TRAFFIC SURVEY**179-184
Recommended Action(s): Repeal Resolution No. 5944 and adopt the attached Resolution dated September 22, 2010 establishing speed limits on City Streets.
17. **APPROVAL OF PAYMENT TO SANTA CLARA COUNTY FOR VEGETATION ABATEMENT ON CITY OWNED PROPERTY**185-188
Recommended Action(s):
 1. **Appropriate** \$6,521.65 from Open Space Fund 306 unappropriated fund balance to fund open space vegetation abatement for services rendered in FY 2009-10; and
 2. **Approve** payment in the amount of \$74,864.31 for vegetation abatement for FY 2009-10.

Redevelopment Agency Action

CONSENT CALENDAR: **ITEMS 18-23**

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| Time Estimate | Page |
| Consent Calendar: 1 - 10 Minutes | |
18. **AUGUST 2010 FINANCIAL & INVESTMENT REPORTS**189-198
Recommended Action(s): Accept and file report.
 19. **UPDATE ON FEBRUARY 2008 BOND ISSUE**199-200
Recommended Action(s): Accept and file report.
 20. **RESOLUTION ADOPTING MORGAN HILL REDEVELOPMENT AGENCY CONFLICT OF INTEREST CODE AND REPORTING CATEGORIES**201-206
Recommended Action(s): Adopt Resolution that lists the positions that will be subject to the Morgan Hill Redevelopment Agency’s Conflict of Interest Code and Reporting Categories.

21. **AUTHORIZE EXECUTIVE DIRECTOR TO EXECUTE A CONTRACT WITH BURKE WILLIAMS SORENSON FOR LEGAL SERVICES**207-218
Recommended Action(s): Authorize the Executive Director to execute a contract with Burk Williams Sorenson LLP for legal services in an amount not to exceed \$80,000.
22. **AUTHORIZE EXECUTIVE DIRECTOR TO EXECUTE A CONTRACT WITH KEYSER MARSTON ASSOCIATES INC. FOR FINANCIAL CONSULTING SERVICES**219-232
Recommended Action(s): Authorize the Executive Director to execute a master contract with Keyser Marston Associates Inc. for financial consulting services in an amount not to exceed \$40,000.
23. **UPDATE ON THE MONTEREY ROAD STREETSCAPE PROJECT**233-234
Recommended Action(s): Accept revised schedule.

City Council and Redevelopment Agency Action

CONSENT CALENDAR: **ITEMS 24-30**

- | | Time Estimate
Consent Calendar: 1 - 10 Minutes | Page |
|-----|--|------|
| 24. | <u>CARRYOVER OF ENCUMBRANCES FROM FY 2009-10 TO FY 2010-11</u>235-242
Recommended Action(s): Receive and file. | |
| 25. | <u>FY 2009-10 YEAR END BUDGET AMENDMENTS</u>243-246
Recommended Action(s): Increase FY 2009-10 budget appropriations as shown in exhibit A. | |
| 26. | <u>REAPPROPRIATION OF FISCAL YEAR 2009-10 PROJECTS AND PROGRAMS</u>247-250
Recommended Action(s): Approve the reappropriation of FY 2009-10 project and program costs in the FY 2010-11 revised budget. | |
| 27. | <u>AWARD OF 2010 SEWER POINT REPAIR PROJECT</u>251-260
Recommended Action(s):
1. Appropriate \$102,820 from the unappropriated Sewer Operations Fund (640); and
2. Appropriate \$12,210 from the unappropriated RDA fund balance (317); and
3. Approve project plans and specifications; and
4. Award contract to Robinson and Moretti, inc. for the construction of the 2010 Sewer Point Repair Project in the amount of \$181,845; and
5. Authorize expenditure of construction contingency funds not to exceed \$18,185. | |
| 28. | <u>REIMBURSEMENT FOR PUBLIC IMPROVEMENTS ON MAST AVENUE</u>261-266
Recommended Action(s):
1. Appropriate \$23,714 from the current year unappropriated Public Facility/Non-AB1600 (346) fund for reimbursement to Associated Concrete; and
2. Authorize reimbursement of \$23,714 for installation of off-site improvements to Associated Concrete. | |

29.	<u>Approve the Special City Council and Joint Regular City Council and Redevelopment Agency Meeting Minutes for August 25, 2010</u>	267-284
30.	<u>Approve the Special City Council and Joint Regular City Council and Redevelopment Agency Meeting Minutes for September 1, 2010</u>	285-296

City Council Action

PUBLIC HEARINGS:

ITEMS 31-33

	Time Estimate		Page
31.	15 Minutes	<u>HIGH-DENSITY SINGLE FAMILY GENERAL PLAN DESIGNATION AND ZONING DISTRICT: GPA 09-02/ZA 09-05: CITY OF MORGAN HILL-SMALL LOT SINGLE FAMILY DETACHED</u> <u>Recommended Action(s)</u> <ol style="list-style-type: none"> 1. <u>Open/close</u> public hearing; and 2. <u>Approve</u> Mitigated Negative Declaration; and 3. <u>Adopt</u> Resolution amending the Land Use Element text and Health and Safety Element Text; and 4. <u>Waive</u> the first and second reading in Full of the Ordinance creating the High-Density Single Family R-1 4,500 zoning district; and 5. <u>Introduce</u> Ordinance creating R-1 4,500 zoning district; and 6. <u>Waive</u> the first and second reading in Full of the Ordinance amending the following: <ol style="list-style-type: none"> A. Chapter 17.34 Subdivision B. Chapter 18.04 Definition C. Chapter 18.50 Off Street Parking and Paving Standards D. Chapter 18.55 Secondary Dwelling Units E. Chapter 18.57 Exceptions F. Chapter 18.78 RDCS 7. <u>Introduce</u> Ordinance amending above described subdivision and zoning text. 	297-328
32.	15 Minutes	<u>GENERAL PLAN AMENDMENTS: GPA 09-04: E. DUNNE AVE – JASPER PARK, GPA 09-05: DEL MONTE – BLACKWELL, GPA 10-01: WALNUT GROVE – UCP, GPA 10-02: E. CENTRAL - UCP</u> <u>Recommended Action(s)</u> <ol style="list-style-type: none"> 1. <u>Open/close</u> the public hearing; and 2. <u>Adopt</u> Resolution amending the Land Use Element Map. 	329-376

- 33. 10 Minutes** **DEVELOPMENT AND REDEVELOPMENT STANDARDS FOR POST CONSTRUCTION BEST MANAGEMENT PRACTICES FOR STORM WATER POLLUTION PREVENTION AND WATERSHED PROTECTION ORDINANCE**377-390
- Recommended Action(s)**
1. **Waive** the first and second reading in Full of the Ordinance (Post Construction Storm Water Pollution Prevention); and
 2. **Introduce** Ordinance (An Ordinance of the City Council of the City of Morgan Hill establishing Chapter 18.71 (Post Construction Storm water Pollution Prevention) of Title 18 (Zoning) of the Municipal Code of the City of Morgan Hill to reduce water pollution from completed developments and protect water quality and specify that violations are misdemeanors.)

Item 33 Staff Presentation

City Council Action

OTHER BUSINESS:

ITEM 34

	Time Estimate		Page
34.	10 Minutes	<u>THIRD STREET PUBLIC PARKING LOT</u>391-396	
		<u>Recommended Action(s): Provide</u> direction to staff on proposed Third Street parking lot.	

Item 34 Supplement 1

Item 34 Staff Presentation

FUTURE COUNCIL AGENCY-INITIATED AGENDA ITEMS:

Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

City Council Action

CLOSED SESSION:

OPPORTUNITY FOR PUBLIC COMMENT

ADJOURN TO CLOSED SESSION

PUBLIC EMPLOYEE PERFORMANCE EVALUATION

- Authority: Government Code 54957
- a. Public Employee Performance Evaluation: City Manager
Attendees: City Council
- b. Public Employee Performance Evaluation: City Attorney
Attendees: City Council

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

- Pursuant to: Government Code Section 54956.9(c)
Number of Cases: One (1)

RECONVENE

CLOSED SESSION ANNOUNCEMENT

ADJOURNMENT

NOTICE

Any documents produced by the City and distributed to the majority of the City Council and Redevelopment Agency Board less than 72 hours prior to an open meeting, will be made available for public inspection at the City Clerk's Counter at City Hall located at 17555 Peak Avenue, Morgan Hill, CA, 95037 and at the Morgan Hill Public Library located at 660 West Main Avenue, Morgan Hill, California, 95037 during normal business hours. (Pursuant to Government Code 54957.5)

PUBLIC COMMENT

Members of the Public are entitled to directly address the City Council/Agency concerning any item that is described in the notice of this meeting, before or during consideration of that item. If you wish to address the Council and Redevelopment Agency Board on any issue that is on this agenda, please complete a speaker request card located in the foyer of the Council Chambers, and deliver it to the Minutes Clerk prior to discussion of the item. You are not required to give your name on the speaker card in order to speak to the Council/Agency, but it is very helpful. When you are called, proceed to the podium and the Mayor/Chairman will recognize you. If you wish to address the City Council on any other item of interest to the public, you may do so by during the public comment portion of the meeting following the same procedure described above. Please limit your comments to three (3) minutes or less.

Please submit written correspondence to the Minutes Clerk, who will distribute correspondence to the City Council/Redevelopment Agency.

Persons interested in proposing an item for the City Council/Redevelopment Agency agenda should contact a member of the City Council who may plan an item on the agenda for a future City Council or Agency Board meeting. Should your comments require Council/Agency action, your request may be placed on the next appropriate agenda. Council/Agency discussion or action may not be taken until your item appears on an agenda. This procedure is in compliance with the California Public Meeting Law (Brown Act) Government Code §54950

City Council Policies and Procedures (CP 03-01) outlines the procedure for the conduct of public hearings. Notice is given, pursuant to Government Code Section 65009, that any challenge of Public Hearing Agenda

items in court, may be limited to raising only those issues raised by you or on your behalf at the Public Hearing described in this notice, or in written correspondence delivered to the City Council/Agency at, or prior to the Public Hearing on these matters.

The time within which judicial review must be sought of the action by the City Council/Agency, which acted upon any matter appearing on this agenda is governed by the provisions of Section 1094.6 of the California Code of Civil Procedure.

For a copy of City Council Policies and Procedures CP 97-01, please contact the City Clerk's office (408) 779-7259, (408) 779-3117 (fax) or by email michelle.wilson@morganhill.ca.gov.

AMERICANS WITH DISABILITIES ACT (ADA)

In compliance with the Americans with Disabilities Act, if you are a disabled person and you need a disability-related modification or accommodation to participate in this meeting, please contact the City Clerk's Office at (408) 779-7259, (408) 779-3117 (fax) or by email michelle.wilson@morganhill.ca.gov. Requests must be made as early as possible and at least two-full business days before the start of the meeting.